

**UNITED STATES DISTRICT COURT
COURT FOR THE SOUTHERN DISTRICT
OF OHIO WESTERN DIVISION AT DAYTON**

AMY SMITH Plaintiff, v. UNIVERSITY OF ARIZONA GLOBAL CAMPUS, <i>et al.</i> Defendant.	Case No. 3:23-CV-00017 JUDGE Michael J. Newman MAGISTRATE JUDGE Peter B. Silvain, Jr. <u>RULE 26 (f) REPORT OF PARTIES</u>
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1. Pursuant to Federal Civil Rule 26(f), a meeting was held on Tuesday May 30, 2023 and was attended by:

- Brian D. Flick, Counsel for Plaintiff, Amy Smith
- Boyd W. Gentry, Counsel for Defendant, The CBE Group, Inc.

2. The parties:

X Have provided the pre-discovery disclosures required by Fed. R. Civ. P. 26(a)(1), including a medical package (if applicable).

3. The parties recommend the following track:

_____ Expedited X **Standard** _____ Complex
_____ Administrative _____ Mass Tort

4. The parties _____ do / X do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. 636(c).

5. Recommended cut-off date for filing of motions directed to the pleadings: September 29, 2023

6. Recommended cut-off date for filing any motion to amend the pleadings and/or to add additional parties: July 7, 2023

7. Recommended discovery plan:

- a. Describe the subjects on which discovery is to be sought and the nature, extent and scope of discovery that each party needs to: (1) make a settlement evaluation, (2) prepare for case dispositive motions and (3) prepare for trial:

Plaintiff Amy Smith:

Plaintiff anticipates the need to take discovery on all subjects related to the Plaintiff's Complaint related to the collections account by The CBE Group, Inc., the statements generated by The CBE Group, Inc., all reasonable investigations into Plaintiff's disputes as to the validity of the account, and The CBE Group Inc.'s policies and procedures to ensure compliance with the Fair Debt Collection Practices Act. Plaintiff anticipates discovery to consist of one set of written discovery requests to the Defendant including Requests for Admission, Requests for Production of Documents, and Interrogatories as well as a deposition of a corporate representative of the Defendant. Plaintiff does anticipate a second round of written discovery following the corporate representative deposition.

Defendant The CBE Group, Inc.:

Defendant anticipates taking discovery concerning Plaintiff's relationship and communications with the creditor and Defendant. Defendant anticipates taking discovery in Plaintiff's alleged damages.

- b. What changes should be made, if any, in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the local rules of this Court, including the limitations to 40 interrogatories/requests for admissions and the limitation of 10 depositions, each lasting no more than one day consisting of seven (7) hours?

The parties do not anticipate necessary changes at this time.

- c. Additional recommended limitations on discovery: None at this time.
- d. Recommended date for disclosure of lay witnesses. August 25, 2023
- e. Describe the areas in which expert testimony is expected and indicate whether each expert has been or will be specifically retained within the meaning of Fed. R. Civ. P. 26(a)(2).

- f. Recommended date for making primary expert designations: October 13, 2023
- g. Recommended date for making rebuttal expert designations: November 10, 2023
- h. The parties have electronically stored information in the following formats:

The case presents the following issues relating to disclosure or discovery of electronically stored information, including the form or forms in which it should be produced: The parties do not anticipate issues relating to disclosure or discovery of electronically stored information.

- i. The case presents the following issues relating to claims of privilege or of protection as trial preparation materials: The parties do not anticipate issues relating to claims of privilege or of protection as to trial preparation materials.

Have the parties agreed on a procedure to assert such claims AFTER production?

- j. Recommended discovery cut-off date: October 2, 2023
- 8. Recommended dispositive motion date: December 8, 2023
 - 9. Recommended date for status conference (if any): October 18, 2023
 - 10. Suggestions as to type and timing of efforts at Alternative Dispute Resolution: The parties believe that a mediation conference would be appropriate by August 2023 after the parties have exchanged one round of written discovery including production of documents.
 - 11. Recommended date for a final pretrial conference: January 17, 2024
 - 12. Has a settlement demand been made? N/A Response? N/A

Date by which a settlement demand can be made: June 9, 2023

Date by which a response can be made: July 14, 2023
 - 13. Other matters pertinent to scheduling or management of this litigation:

Respectfully Submitted,

/s/Brian D. Flick, Esq.
Marc E. Dann (0039425)
Brian D. Flick (0081605)

/s/Boyd W. Gentry (per email consent
05/30/2023)
Boyd W. Gentry (0071057)

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Counsel for Defendant The CBE Group

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was sent on May 30, 2023
via electronic mail to the following:

Boyd W. Gentry at bgentry@boydgentrylaw.com
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Counsel for Defendant The CBE Group, Inc.

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